IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION [LODGING] NO. 2192 OF 2004

Purnima Sharma .....Petitioner

VERSUS

University of Mumbai & Ors. .....

Respondents

Mr. Irfan Engineer for the Petitioner

Mr. Susheel Mahadeshwar for Respondent No. 1

Mr. P.M. Mokashi, Assistant Government Pleader, for Respondent No.2

Mr. Shekhar Naphade instructed by M/s. S.K. Srivastav & Co.

for Respondent Nos. 3 and 4

Mr. A.D. Shetty for Respondent No. 5.

CORAM: DALVEER BHANDARI, C.J., &
DR. D.Y. CHANDRACHUD, J.

DATE: AUGUST 24, 2004.

P.C.:-

1. We have heard the learned counsel for the parties.

2. The brief facts, which are necessary to dispose of this Writ Petition, are recapitulated as under:-

> The petitioner is employed as a Lecturer with Lajpat Rai College of Commerce & Economics, Haji Ali, Mumbai. She sent a complaint on 20th March, 2004 to the Vice-Chancellor, University of Mumbai, and the Chairperson, Women's Development Cell, University of Mumbai, Mumbai. A copy of her complaint was sent to the Chairman, Lajpat Rai College of Commerce & Economics, Mahalaxmi, Mumbai. In the complaint, she alleged sexual harassment at work place. Pursuant to the complaint, the management of Lajpat Rai College of Commerce & Economics appointed the Hon'ble Mr.Justice A.C. Agarwal, a retired Judge of this Court, to inquire into the matter.

3. In our opinion, the management of Lajpat Rai College of

Commerce and Economics was fully justified in appointing a retired Judge of this Court to inquire into the matter.

4. The learned counsel appearing for the University has drawn our attention to the Draft Directions prepared by the University. He submits that for the purpose of formulating the rules pertaining to sexual harassment, the University felt that a set of similar rules framed by public sector bodies and especially by another University would be desirable. Accordingly, the Rules framed by the University of Delhi were obtained and studied, as per the amendment made by this Court through its Conduct Rules.

5. It is further mentioned in the University's affidavit that after studying the said Rules, the University has now prepared draft of the directions which will be issued by the Vice-Chancellor in exercise of the powers under Section 14(8) of the Maharashtra Universities Act, 1994. The said directions will be issued within a week and within a period of one week thereafter, the Vice-Chancellor shall constitute a Committee for holding an inquiry into the complaint of sexual harassment made by the petitioner.

6. In view of the fact that now, the Vice-Chancellor has decided to appoint a Committee for holding an inquiry into the complaint of sexual harassment made by the petitioner, we deem it appropriate to request the Hon'ble Mr. Justice A.C. Agarwal not to proceed further with the inquiry.

7. We request the Inquiry Committee appointed by the University to conduct and conclude the inquiry as expeditiously as possible in consonance with the directions issued by the Vice-Chancellor.

8. No further directions are necessary in this petition. This Writ Petition is accordingly disposed of.

9. Authenticated copies of this order shall be given to the learned counsel for the parties.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.